

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

ORDER
12-cr-050 (CBA)

VINCENT BADALAMENTI, et al.,

Defendants.

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AMON, Chief United States District Judge:

On February 10, 2012, the Government moved for a protective order, pursuant to Fed. R. Crim. P. 16(d)(1), to prohibit the dissemination of certain consensual recordings made by a cooperating witness to anyone other than the defendants, their attorneys, and their attorneys' legal staff. To date, only defendant Laforde has opposed the Government's motion. The Court has considered the submissions and believes that the requested protective order is appropriate so as to protect the safety of the cooperating witness and to avoid compromising other ongoing government investigations. See United States v. Basciano, 2007 WL 4555892, at *4 (E.D.N.Y. 2007); United States v. Garcia, 406 F. Supp. 2d 304 (S.D.N.Y. 2005). The Court does not believe that the defendants will suffer any prejudice as a result of the Government's limited request.

The Government has also requested that letters filed by the defendants that contain the names of the cooperating witnesses be removed from ECF, and that the letters be re-filed with the witnesses' names redacted. In light of the press coverage surrounding this case, the Court does not believe that counsel had any intention of compromising the integrity of the proceedings by including the cooperators' names in their letters to the Court. However, since at least one defendant has already consented to file redacted correspondence so as to alleviate the Government's concerns, and in an abundance of caution, the Court will order the other parties to follow the same practice.

Accordingly, IT IS HEREBY ORDERED:

- (1) That the compact discs containing consensual recordings that were disclosed to the defendants in a letter dated February 10, 2012 may not be disseminated beyond the defendants, their attorneys and their attorneys' legal staff;
- (2) That these recordings and any copies made of these recordings be returned to the government at the conclusion of this case; and
- (3) That the letters currently posted at docket entries #42 and #45 be removed from ECF, and that defense counsel re-file those letters with the cooperating witnesses' names and identifying information redacted. This same practice should be followed for all future ECF filings.

The Court does not believe at this time that the above orders should alter the standard payment arrangement for obtaining discovery materials from the Government's outside vendor.

s/CBA


THE HONORABLE CAROL B. AMON
CHIEF UNITED STATES DISTRICT JUDGE

Dated: Brooklyn, New York
February **13**, 2012